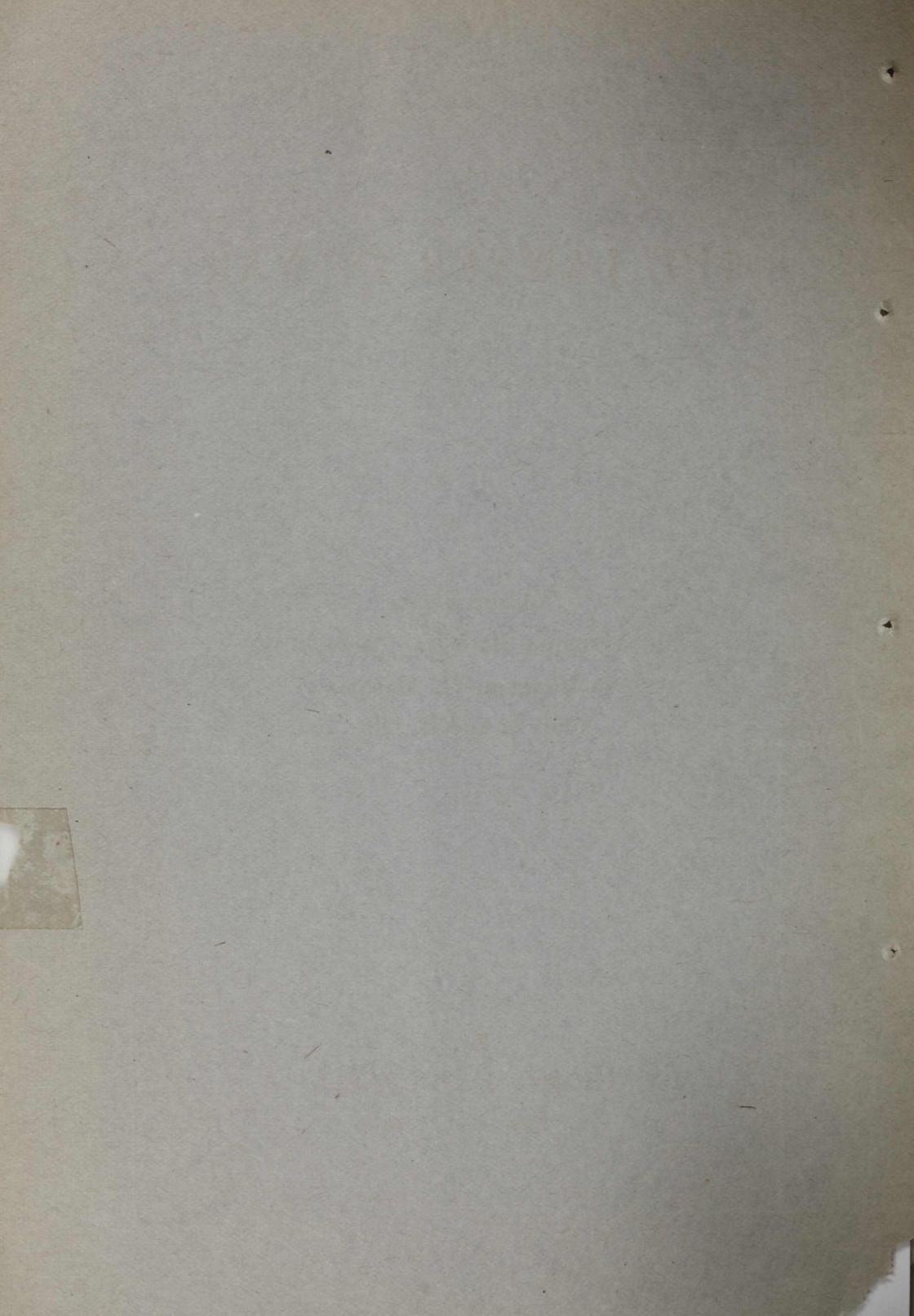


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THE LAWYER IN WAR

Address before
The Alabama State Bar Association
at Montgomery, Alabama
July 12 and 13, 1918

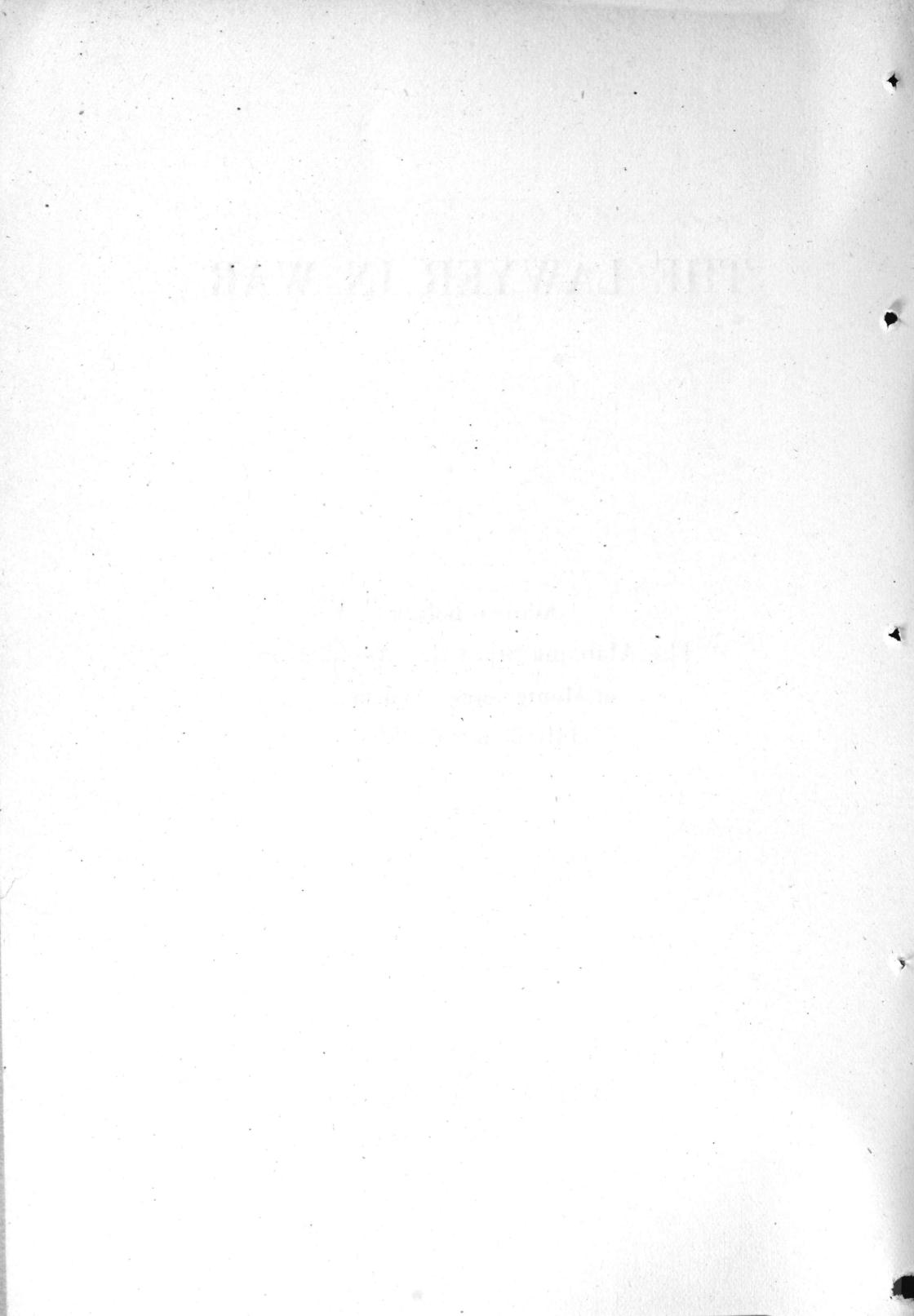
By
THOMAS J. O'DONNELL
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The Lawyer in War

There is a story that, in ancient days, the Chinese went to battle with a tom-tom at the head of the army, the purpose being to scare away the enemy. When I received the copy of your last annual report, which Colonel Troy thoughtfully sent me, had I not known of Alabama politeness and hospitality, I should have thought this report was intended to make me turn my steps toward the Aurora Borealis, instead of The Land of Cotton, Cinnamon Seed and Sandy Bottom, for, I assure you, when I looked over the list of those who, in other years, have been recipients of the great honor I enjoy today, I felt I needed more courage to stand here and face a body like that before me, which has listened to the many distinguished men who have addressed the Alabama Bar Association in the four decades of its history, than I would to face a machine gun battalion of murderous Huns.

I suppose the story is localized everywhere, but we tell it of an early-day Leadville concert hall. The sign over the piano read: "Gentlemen are requested not to shoot the musician; he is doing the best he can." I appeal to your generosity with the more confidence because among the distinguished names in the long list referred to, I find that of a native son of Alabama, who, after filling a high niche in the history of the proud State of Kentucky, became an adopted son of Colorado. Hon. Sterling B. Toney associated himself with me in the practice when he went to Colorado, and our relations continued intimate until death all too early closed his brilliant career. Alabama has sent

to Colorado a number of her sons, whom we have been proud to adopt. I have long enjoyed the friendship of your distinguished citizen, Judge Henry D. Clayton, and other of your public men, and have for some years past been privileged to call your honored President my friend, so I feel at home here in this one-time capital of a cause which was ensanguined by the blood of as brave Americans as ever lived or died, a cause for which a chivalrous people sacrificed everything but honor, under a flag which was furled without a single stain upon its stars or bars. I esteem it a proud honor to be the guest of lawyers who are brave enough to accept and rejoice in a decision against them, who are loyal to the flag they once opposed.

Events press too hard upon us to permit that you should listen to, or that I should discuss, much else than the story, the end of which the world awaits with throbbing heart.

Lawyers are trained to war; they must be equally ready for attack or defense; they must be equally skillful in thrust and in parry; they must advance quickly at the first sign of weakness in the ranks of the enemy, and if retreat become necessary, it must be conducted without rout or panic, in an orderly manner, to a previously chosen position. This is why lawyers are adapted to conduct wars—not always on the battlefield, but in the supreme command behind the lines.

In free countries, lawyers generally constitute or control the government which assembles the armies that go out to fight the country's battles.

Lecky says: "Lawyers contributed more than any other profession to the Revolution. Jefferson, Adams, Otis, Dickinson, and many other minor agents in the struggle were lawyers." He quotes Edmund Burke as saying: "The profession is numerous and powerful, and in most provinces it takes the lead." Lecky does not seem to think that the predominance of lawyers had an elevating influence, for after the sentence quoted, he adds: "An-

other influence which did much to lower the New England character was the abundance of paper money."

Lawyers played an equally important part in the French Revolution, that echo of the American Revolution, which for a time was so much louder than the original explosion.

Of the States General, in May, 1789, Carlisle says that, in the Commons, out of about 560 members, 374 were lawyers; Jefferson, writing to Madison, in June of the same year, says there were 344 lawyers out of 554 members. In the first Parliament in October, 1791, out of 745 members Carlisle says 400 were lawyers.

Madison, Polk, Lincoln, and McKinley, Presidents during the wars intervening between the Revolution and to-day, were lawyers, and America fights in the greatest war the world has ever known under the presidency of a man educated to the law. In each of the previous trials by battle, lawyers planned in the Council and urged the country's cause in the forum, and the legal profession furnishes the most of the men who guide the course of government in this titanic struggle.

Stanton, Lincoln's great war secretary, and Chase, his great financial secretary, were lawyers. The Secretary of War, who on July 1st announced to the President that we had transported over an infested ocean and landed safely on the shores of Europe, an American army of 1,019,115 men, is a lawyer, and the great Secretary of the Treasury, who has made the words "billion dollars" as common as "two-bits", is a lawyer.

It would be mere affectation of learning to recite the names of lawyers who have led armies. We need not vie with the trained soldier or boast of skill upon the battlefield, but Andrew Jackson, whose name stands for the most notable victory American arms have yet achieved in battle with the soldiers of another country, was a lawyer.

Lewis Cass would probably never have been a presidential candidate had he not proven a brave soldier and at-

tained the title of General. The Mexican war developed a number of lawyer-soldiers; military reputation made Franklin Pierce President. Two notable instances of lawyers who attained notoriety on the Federal side in the Civil War are Logan and Ben Butler; the history of that combat is filled with the names of men who abandoned the forum for the field; many a lawyer sealed his devotion to the cause he espoused with his blood. Hayes, Garfield, and McKinley had "war records," without which neither had ever achieved the presidency.

John Tyler Morgan, whose fame as a statesman will be a heritage of Alabama through the centuries had a lustrous career as a soldier of the Confederacy and Pillow gained renown for the native state of both, in the Mexican and in the Civil Wars. Each proved prowess in battle equal to his prowess at the Bar; the annals of every Confederate state furnish glorious proof that it cannot be said of our profession that we are soldiers in peace and citizens in war. We are fearless soldiers of the right in peace and in war.

In the other free countries of the world lawyers play a part almost equally prominent. Asquith, under whose leadership Great Britain refused the bribe offered for her neutrality, espoused the cause of Belgium and saved France and the world, is a lawyer; he was succeeded as Prime Minister by Lloyd-George, another lawyer, who still holds the reins of government in the British Empire. Raymond Poincaire, President of France, is a lawyer; and in every Cabinet which has guided the destiny of France during the desperate days of the last four years the legal profession has been predominant.

It is safe to say that if lawyers exercised the same influence in the government of Germany that they exercise in the government of our country and in the governments of our Allies, a solemn treaty would never have been termed "A scrap of paper," and Germany would not have made herself an outlaw nation.

There never has been a battle for liberty in any country

having a legal profession, where the members of that profession have not participated on the side of liberty, in such numbers as to make it safe to say that the legal profession has hearkened to every call of Freedom, and has done Freedom service equally valiant with the sword as with the pen.

Trial by ordeal, as a method of determining the guilt or innocence of persons accused of crime, has long since ceased in civilized countries; but the world is walking on red-hot plow-shares today. The lawyers must keep up the faith, that the feet of the criminal will be blistered. In the ordeal by water the accused was thrown bound into the water, which received him if innocent, but rejected him if guilty. We are trying that ordeal on the submarines, and the sea never rejects one of those amphibious monsters when it is struck by a depth-bomb or well-aimed American shell.

Ever since our country entered this war lawyers have been bewailing the fact that the legal profession does not offer opportunity for service such as is afforded members of the medical profession, and that while every regiment has its chaplain, no fighting unit seems to have any need of a lawyer. The shining spirit of patriotism, which study, knowledge and practice of the law implant in the breast of the lawyer, is proven by the thousands of members of the profession found in the ranks of the Army of Liberty. You could form a Bar Association in every division of the National Guard or National Army which has crossed the seas.

In my own state, two distinguished lawyers—one an ex-judge of our highest nisi prius court, and the other an ex-member of Congress—raised a regiment, and although, on account of age, neither of them has been allowed to go to France, their example is part of the inspiring loyalty which has gained Colorado a high place among the patriotic states of the Union. I feel guilty of no immodesty when I tell you that there is a vacant chair in my office. My

elder son and junior partner saw the danger which this country confronted long before our Government declared war existed. He is today defending the cause of liberty and civilization against the black forces which seek to encompass the world. My family declared war against the Kaiser when he drowned the mothers and their babies who were peaceful passengers on the Lusitania; my two sons are in France doing their part to stay the flood let loose when the gates of hell were opened outward.

There are many things the lawyer can do in war. May I take the liberty of repeating some words of that great Virginian, that Great American, James Madison father of the constitution, which I quoted in my address as president of the Bar association of my own state last year?

"Of all the evils to public liberty, war is perhaps the most to be dreaded, because it comprises and develops every other. * * * In war, too, the discretionary power of the executive is extended; its influence in dealing out offices, honors, and emoluments is multiplied; and all the means of seducing the minds are added to those of subduing the force of the people! No nation could preserve its freedom in the midst of continual warfare."

In view of what has happened, in the fifteen months we have been at war, it would seem Madison must have had the gift of prophecy.

Nations are much like children at play, who see one of their number injured, but pursue the same path or commit the same prank, saying, "It will not hurt me." No superhuman agency has written either fire or life insurance upon our free institutions, and yet we are always acting as if we had a full-paid policy.

While our valiant sons are fighting to preserve liberty for the world, the lawyers must see that American liberty is preserved in America. When the war against autocracy is over let us see that "Kultur" has not been transplanted

and that "Verboten" has not become too strongly inbedded in our vocabulary.

The lawyers are the body to which the task of guarding our institutions against the dangers resultant from war must be entrusted. The press lacks training. Unfortunately, no authority has been created, either by law or custom, to look into the character of the man who determines to enter the field of newspaper work. The reputable members of that profession—a vast majority in number—have indeed, a code of ethics, but there is no controlling body to discipline or punish those who violate that code.

It has been demonstrated within a few days—even if we had not already known it—that perfervid words do not prove there is a patriotic spirit behind the pen which writes them. An old New York daily newspaper printed in English, is found to have been secretly purchased by the German Emperor, that it might sow treason and discord, when the opportunity offered.

So far as the utterances of this paper show, its loyalty was impeccable. The incident which has caused me to digress shows that men who cannot be trusted in peace, should not be trusted in war. When men without character obtain control of a newspaper, they obtain the most powerful lever of fraud and crime our civilization has so far developed. When we come to choose a newspaper upon the news or the advice of which to reply, we must go behind the headlines and the editorials and look into the character of the men who control the paper. If that character be yellow it will be unsafe to rely on what the paper prints, whether it uses red ink or black. Bolo Pasha, of Paris, has expiated his treason, but his prototypes in America are still unhung.

Let us not deceive ourselves. The lessons of history all prove that when the war is over there will be many men who will claim, there will be a party which will maintain, that all the extensions upon executive and congressional power which are being put in effect, are necessary to our

welfare; that if they were useful in time of war they cannot but be helpful in time of peace; that if we make them a part of our permanent polity it will be unnecessary to go through the strain of re-enacting them or suffer the consequences of delay in their understanding and enforcement; we will be told that the time to prepare for the deluge is in fair weather.

All the arguments in favor of a preparedness which insures safety from attack by providing power to repel it, will be perverted to the destruction of the constitutional guaranties under which, and under God, this great free nation has been builded, to the marvel of all the ages, and with fair promise of perpetuation to Eternity. To guard the corner-stones of the foundations of liberty, to keep bright the beacon fires of liberty, to perpetuate the precepts of liberty, to keep the love of liberty alive in the hearts of the people, these are fitting tasks for THE LAWYER IN WAR.

I am not complaining that the government has assumed too much power. If I have any complaint against the government on this score, it is that the government has failed to exercise undoubted powers which should have been exercised and the exercise of which would have been invaluable to our country and our cause. I not only subscribe to the doctrine that in time of war the citizen must surrender, in a large measure, freedom of speech and freedom of action, but I go further than many. I have endeavored to show in an article in the Virginian Law Review that in time of war the Commander in Chief possesses every power the rightful exercise of which can contribute to the always imperious necessity of military victory. (1)

We have found some places for active service. More than 25,000 lawyers assisted men of draft age to answer the questionnaires propounded under the last selective service regulation. The entire Bar of the United States has

(1) "Military Censorship and Freedom of the Press," Virginia Law Review, December, 1917.

placed itself at the disposal of our fighting men and their families, to protect them in their rights of person and property. These services have been performed and are being performed voluntarily and without thought of that fee which the vulgar attribute as the first thought of a lawyer.

Some things have resulted from war which we want to keep. We should never let our great transportation system slip back into the competitive stage. Lawyers realize that there is no more excuse for competition between railroads than for competition between other public highways. The costs of competition are borne by the public, and, unlike charity, which blesses him who gives as well as him who receives, these costs had almost ruined those who paid them and those who received them before government interposed some measure of restraint.

The crude political economy which permitted competition, as a means of regulation, had only been partly abandoned prior to the taking over of the railroads as a war measure. The logical force of regulation was not fully recognized, and so we found our great railroads—the greatest transportation system of the world—crippled by regulations so inelastic that they failed to respond to changed conditions, and operating under the burdens imposed by a competitive system after competition had been abolished by regulation.

I am not prepared to say today, what the people should do with the railroads. The people delegated sovereignty to the corporations which built the railroads, the people have paid and are paying for the construction, for the upkeep, and for the equipment of the railroads; they pay the salaries of those who operate the railroads, the interest on the bonds and the dividends on the stock, just as certainly as they pay the taxes which support the Government. Neither the legal nor the moral right to control is any longer subject to debate. "How to do it" should be the subject of careful study. I take the liberty of sug-

gesting that the American Bar Association should appoint a committee at its next annual meeting to report a plan to eliminate competition between these instrumentalities of public service and so lessen the costs and increase the efficiency of that service to the public.

This is work for THE LAWYER IN WAR. It is needless to say, I hope that no reputable lawyer will advise or recommend anything which partakes of the nature of confiscation of individual property in railroads, whether represented by stocks, bonds, or otherwise.

That profound changes are bound to occur in our fundamental law, in our statute law, in our habits of life and in our free thought, as the result of this war, is apparent to anyone who pauses long enough amid the battle to think about it.

The politics, the public life—the government—of this country were dominated by the survivors of the two armies, from the conclusion of the Civil War until the participants in that family tragedy had, practically, passed off the stage. The men who come back from France and Italy; the men who carry the banner of freedom across the Rhine; the men who plant the Flag in Berlin, in Vienna and in Constantinople,—these men, clothed in the glory of war, coming back filled with the lofty sentiments which animate them as they go—these men will take over the government of the country they will have saved.

Even as the lawyer today is giving his advice and his service freely to these men and to their families and their affairs, so he must be ready, then, disinterestedly, without thought of selfishness, animated only by the same high motives of public welfare, the same intense love of country, which prompt his action today, to give the benefit of his learning, his experience and his wisdom, to these returning heroes who, having put the forces of wrong to flight, may well be looking for new worlds to conquer.

I am, somewhat, a believer in the philosophy (if such it can be called) that human minds react on each other; that

when many men get to seeking and searching for the same thing, although they may be separated by wide spaces and each unconscious of the others' efforts, they profoundly assist each other. President Wilson has said, "We are indomitable in our power." That power seems, at last, to have thrown off lethargy, to have broken all bonds of red tape and to have overcome inertia. The keen edged sword of America's power is being felt across the sea. That sword is cleaving a rift in the dark clouds which Death has cast across the sky. Above the awful roar of the appalling guns is heard the cry: "Thou shalt not."

Men are planning that the recurrence of this cataclysmic tragedy shall be made impossible. Lord Balfour and Mr. Taft are right in discussing now, a plan to enforce the peace our khaki-clad legions shall conquer. The form and structure of the tribunal which the saved world, in gratitude and thanksgiving for its salvation, shall establish to adjudicate the differences which may thereafter arise between the nations of the world, must be devised and built by the legal profession of the world.

The President gave his adhesion to the plan and briefly outlined the purposes and the power of such a tribunal in his Fourth of July speech when he said:

"The establishment of an organization of peace which shall make it certain that the combined power of free nations will check every invasion of right and serve to make peace and justice the more secure by affording a definite tribunal of opinion to which all must submit and by which every international readjustment that cannot be amicably agreed upon by the peoples directly concerned shall be sanctioned."

It is a great work, a work second only to the work of those who are making the accomplishment of such a work possible. It is fitting work for THE LAWYER IN WAR. That great and distinguished American lawyer, Hampton L. Carson, concluding an address before the Colorado Bar

Association last year, on the Supreme Court of the United States, made this prophecy:

"No one can doubt that when a purified and regenerated world is seeking the means of preventing wars, our own great Court will stand as the archetype for the establishment of an international tribunal by which the peace of nations can be secured."

I am sure no lawyer need hunt for a better model—the time is ripe to commence building.

No lawyer could long succeed, who, having won a law-suit for his client, failed to secure the fruits of victory. If he be for the plaintiff, his work is not finished until his client has received that to which he is found entitled. If he represent the defendant, he must see that the judgment is so entered that his client cannot be harrassed or vexed again. The Lawyer in the War has his greatest opportunity for service in seeing that this nation, and through this nation the world, reaps the fruits of the victory which will have been paid for in the precious blood which our allies have already shed and in the rivers of blood yet to be shed in which our blood shall commingle. The lawyers of America must determine that this nation shall

"Reap the harvest of Perpetual Peace,
Through this one bloody trial of sharp war."

When this war is over, it will be found that the greatest danger the world has faced, a danger greater than that confronted in the first well-planned onrush of the barbarian hordes toward Paris in 1914, a danger greater than the mad sacrificial charges of their renewed and consolidated armies four years later, a danger greater than when in 1917 the Huns, Goths and Vandals drove back the forces of Italy and followed the old path of invasion almost to the walls of Rome—a danger greater than all these, is the danger which will be confronted in the closing act of this awful tragedy of war—the act that is to end with the word "Peace." It is here that THE LAWYER IN WAR can perform his greatest service.

If the hearts of millions of mothers, wives and children shall be outpouring prayers for peace, and, inspired alone by love, be willing to make peace on any terms which insure their loved ones' coming back, then there must be, somewhere, a force to stop the peace drive which will be launched from Berlin and which will find support in those loving hearts. There is no other intellectual force in this country equal to that of the American Bar. The lawyer thinks through habit. The mass of people simply have opinions. The lawyer is accustomed to formulate his arguments according to the rules of logic and has the capacity to convince. Who so well as the lawyer can make the people see the dangers of the future by pointing to the past? And so the greatest task of THE LAWYER IN WAR is to so educate, train, inform and reason with the American people, that they will neither demand nor accept any peace but a compelled peace, a dictated peace, a peace following complete and overwhelming victory.

Every statesman, every orator, every writer who assumes to speak for the civilized people of mankind, has denounced the Force attacking the world as a Force impelled by thoughts which have no place but in the mind of the savage; every eye-witness who has described the methods by which this Force pursues its design has described deeds of savagery so horrible that the mind of the world is shocked into disbelief. The things which the evidence, blazoned before all the world, shows have been done by the Prussian over-lords and their more than willing followers, are so utterly beyond the possibility of conception, much less sanction, by civilized men, that it needs a mental process, like the solution of a problem in algebra, to make the ordinary mind accept them.

Yet these things have been done in the open light of day, not once, but a thousand times. Are the civilized nations who have been wantonly attacked, whose lands have been wasted, whose peoples have been outraged and murdered, whose women and children have been made victims of a

thousand cruel barbarities, justified in declaring Germany an outlaw? If they are justified in proclaiming outlawry, will they be justified, when the outlaw has been captured and brought, manacled, to the bar of world justice, in loosing him to terrorize the world again at his leisure? The proposition is repugnant to the instinct of every lawyer.

Every lawyer knows that the criminals who brought this deluge of blood upon the world should be punished, and that unless they are punished the world cannot lay down its arms; that the world cannot devote its energies to re-building that which has been destroyed, to filling the vacuum which has been created by the awful suction of death and destruction, but must wait with loaded arms for the next onslaught.

Senator Root said at the Conference of Bar Association delegates in Saratoga last year:

"If you have to live in the presence of a great, powerful military autocracy as your neighbor, you cannot maintain your democracy; * - * if you are to maintain your democracy, you must kill autocracy."

In his war message President Wilson told the Congress:

"A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants.

* * * * *

"One of the things that have served to convince us that the Prussian autocracy was not and could never be our friend is that from the very outset of the present war it has filled our unsuspecting communities, and even our offices of government, with spies and set criminal intrigues everywhere afoot against our national unity of counsel, our peace within and without, our industries, and our commerce.

* * * * *

"We are accepting this challenge of hostile purpose be-

cause we know that in such a government, following such methods, we can never have a friend; and that in the presence of its organized power, always lying in wait to accomplish we know not what purpose, there can be no assured security for the democratic governments of the world. * * * * *

"The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. * * * * *

"The right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts, * * * * for a universal dominion of right by such a concert of free people as shall bring peace and safety to all nations and make the world itself at last free."

Here is the indictment. If the facts are as stated, the culprit must be punished. This is decreed by the wisdom of the ages.

In his reply to the Pope's peace proposals, the President said:

"We cannot take the word of the present rulers of Germany as a guarantee of anything that is to endure.

* * * * *

"Treaties of settlement, agreements for disarmament, covenants to set up arbitration in the place of force, * * * * if made with the German Government, no man, no nation, could now depend on."

In his annual message to Congress December 4, 1917, the President said:

"What we are planning for in seeking to make conquest of peace by arms is First, that this intolerable thing of which the masters of Germany have shown us the ugly face, this menace of combined intrigue and force which we now see so clearly as the German power, a thing without conscience or honor or capacity for covenanted peace, must be crushed ,and if it be not utterly brought to an end,

at least shut out from the friendly intercourses of the nations."

In his address to Congress January 8, 1918, the President, after stating that "the only lack of fearless frankness, the only failure to make definite statements of the objects of the war, lies with Germany and her allies," said:

"The issues of life and death hang upon these definitions. No statesman who has the least conception of his responsibility ought for a moment to permit himself to continue this tragical and appalling outpouring of blood and treasure, unless he is sure beyond a peradventure that the objects of the vital sacrifice are part and parcel of the very life of society and that the people for whom he speaks think them right and imperative as he does."

In reply to Chancellor von Hertling and Count Czernin, made in an address to Congress February 11, 1918, the President said:

"I would not be a true spokesman of the people of the United States if I did not say once more that we entered this war upon no small occasion, and that we can never turn back from a course chosen upon principle.

* * * * *

"Our whole strength will be put into this war of emancipation—emancipation from the threat and attempted mastery of selfish groups of autocratic rulers—whatever the difficulties and present partial delays. We are indomitable in our power of independent action, and can in no circumstances consent to live in a world governed by intrigue and force. We believe that our own desire for a new international order, under which reason and justice and the common interests of mankind shall prevail, is the desire of enlightened men everywhere. Without that new order the world will be without peace, and human life will lack tolerable conditions of existence and development. Having set our hand to the task of achieving it, we shall not turn back."

In his address at Mt. Vernon eight days ago the President said:

"There can be but one issue. The settlement must be final. There can be no compromise. No halfway decision would be tolerable. No half-way decision is conceivable. These are the ends for which the associated peoples of the world are fighting and which must be conceded them before there can be peace.

"First—The destruction of every arbitrary power anywhere that can separately, secretly and of its single choice, disturb the peace of the world; or, if it cannot be presently destroyed, at the least its reduction to virtual impotence.

* * * * *

The spokesman of the other countries which are defending themselves against the Force seeking their destruction, have spoken in a similar strain.

It is the business of THE LAWYER IN WAR to support the high purpose expressed by the President. We can have no sympathy with those who seek to find in the same documents and in other pronouncements of the President a different purpose from that here so clearly avowed. If, perchance, a different interpretation may be derived from other sentences, I beg to again quote Lecky:

"Severe accuracy of definition, refinement and precision of reasoning are, for the most part, wholly out of place in practical politics."

We have the evidence which convinces beyond a reasonable doubt that this war was planned and premeditated by the Kaiser and his satellites. The evidence furnished by the diplomatic exchanges which occurred between the various chancelleries of Europe, in the days between the assassination of the Austrian Crown Prince in June and the loosing of the lightning in August, is overwhelming; but the revelations of Prince Lichnowsky, German Ambassador to London, and the disclosures of Baron von Wangenheim, German Ambassador to Constantinople, to Mr. Morgenthau, the American Ambassador at the

same court, of the facts of the conference held at Potsdam July 5, 1914, place the matter beyond the realm of debate.

The crimes which have been committed against the world were premeditated. The evidence discloses that this criminal premeditation and planning has continued for forty years. It demonstrates such confirmed criminal instinct and wanton criminal purpose that no tribunal will be justified in turning the criminal loose upon the community. If he offer his word, we know he has already broken his parole. No promise can bind a man who considers and treats his most solemn compact as a mere "scrap of paper." The only safety to society is to deprive such a criminal of the power to commit further crime.

Every lawyer whose taste runs at all to forensic effort or forensic triumph has read the speech of Edmund Burke impeaching Warren Hastings. Macauley outdid himself in describing the scene:

"The High Court of Parliament was to sit, according to forms handed down from the days of the Plantagenets, on an Englishman accused of exercising tyranny over the lord of the holy city of Benares, and the ladies of the princely house of Oude.

"The place was worthy of such a trial. It was the great hall of William Rufus; the hall which had resounded with acclamations at the inauguration of thirty kings; the hall which had witnessed the just sentence of Bacon and the just absolution of Somers; the hall where the eloquence of Strafford had for a moment awed and melted a victorious party inflamed with just resentment; the hall where Charles had confronted the High Court of Justice with the placid courage which has half redeemed his fame."

He compares the occasion with "the days when Cicero pleaded the cause of Sicily against Verres, and when, be-

fore a senate which had still some show of freedom, Tacitus thundered against the oppressor of Africa."

There an Englishman, who had, by the power of England, been set to rule over "dusky nations living under strange stars, worshipping strange gods, and writing strange characters from right to left," was brought to the bar of English justice.

In concluding his indictment, Burke said:

"I impeach Warren Hastings, Esquire, of high crimes and misdemeanors.

* * * * *

"I impeach him in the name, and by virtue, of those eternal laws of justice which he has violated."

If I were to draw articles of impeachment against William Hohenzollern, King of Prussia, Emperor of Germany, and Dictator of the Central Powers, I would not impeach him for any such crimes as the disregard of a treaty, or the violation of the laws of war. Crimes like those crimes have been charged and proven against human beings. I would impeach this creature for the monster he has proven himself to be. I would impeach him not as a man but as a hell-escaped devil. I would impeach him for murder on land, murder on sea, murder from the air, murder by poison, murder by starvation, murder of soldiers, murder of sailors, murder of civilians, I would impeach him for the murder of the Priests of God's Altar and the rape and murder of women vowed to chastity and to God's service in works of charity and mercy. I would impeach him for having spitted babes on bayonets, outraged women of all ages, crucified men, burned churches, libraries, homes, villages, towns and cities and for having destroyed cathedrals, monuments of what exalted faith can inspire man to accomplish. I would impeach him for having carried tens of thousands of men, women and children into slavery, more cruel than that in which the Egyptians held the Israelites, until they were released by the hand of the Divine God Himself. I would impeach him because he has

made lust a virtue, and virtue a crime punishable with death. I would impeach him of these and of the nameless crimes which make the very air he breathes foul and leprous and which will make him still a loathed thing when mankind shall have finished its work on earth and pass through the open gates of Eternity. I would impeach him before the High Court of the World and in the presence of the Living God as the Incarnate Spirit of Hell, escaped without Divine knowledge, to violate on earth every law made in Heaven.

When glutted, gorged, satiated, tired and worn, the ogre cries for peace, shall we treat him as we would a human being, an honest and chivalrous adversary? No, and No!! and a thousand times, No!! If man is impotent to punish these crimes, it behooves Omniscience to send a new Redeemer into the world; there must be another Cross, another Calvary. Another Gethsemane is necessary to save the world and make it a fit place for human habitation.

The place where Christ expiated the sins of a sin cursed world is already a spoil of war, wrested from impious and infidel hands after thirteen centuries of Moslem dominion. The pious work which Peter the Hermit preached and for which Paladin and Peer in countless numbers died, has been accomplished by one of our allies.

The crusade to rescue the tomb of the Savior has succeeded after nearly a thousand years. America has already sent more than a million men, and is preparing other millions to go upon a crusade more glorious than the crusade to recover the Holy Sepulcher. Many of our crusaders crossed more miles of land to set sail upon this crusade than intervene between the starting place of Richard Coeur de Lion and the Mount of Olives; all cross more miles of water than any of these ancient crusaders ever dreamed of sailing. These American crusaders, seek no conquest of goods or land or peoples:

They go to enforce these commands;

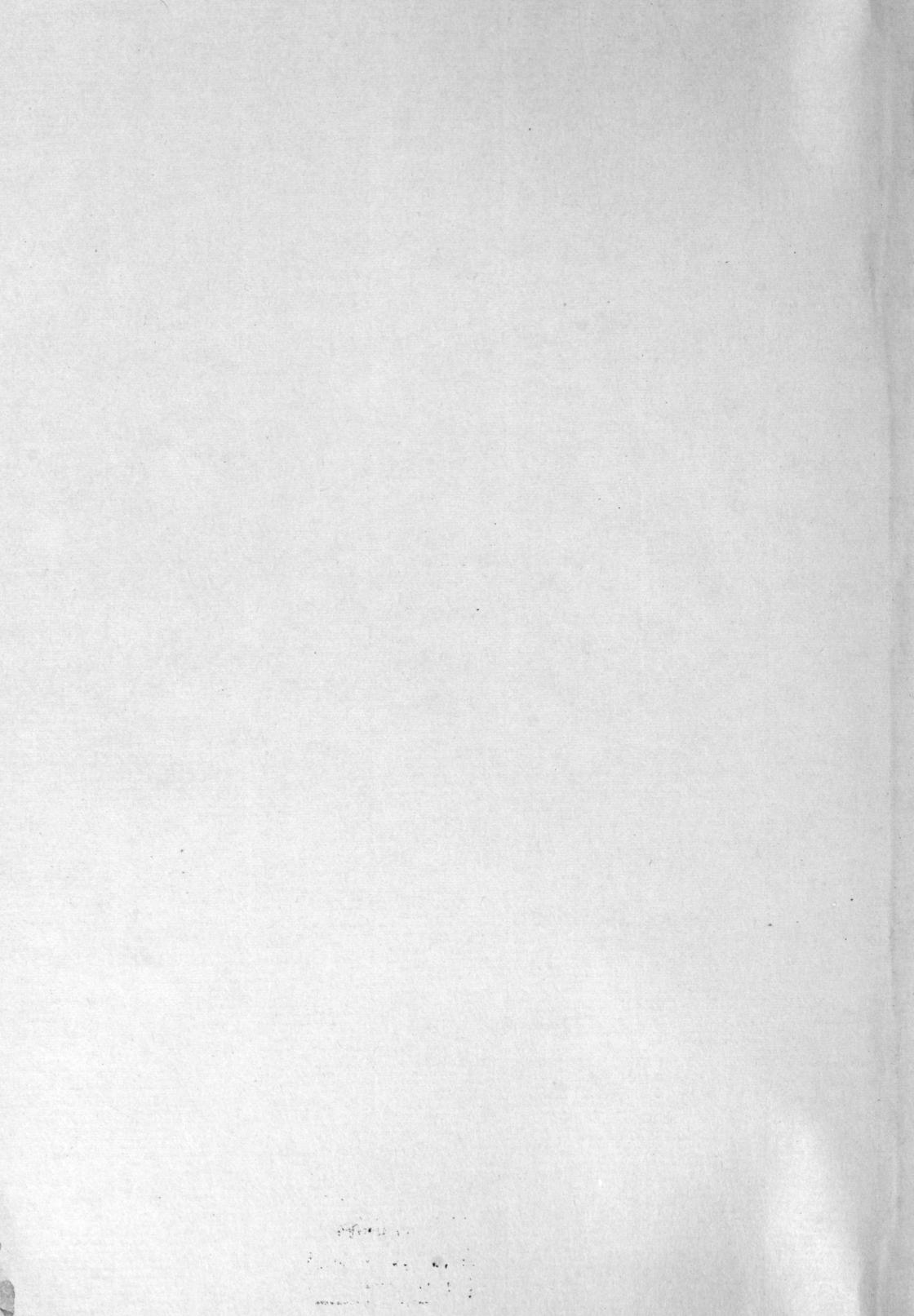
Thou shalt not covet;

Thou shalt not lie;
Thou shalt not steal;
Thou shalt not kill;

Commandments accepted by men and civilizations which know not Moses or the Prophets, who never heard the thunders of Sinai, but who do know that unless mankind obeys these commands, men must cease to be gregarious and nations must be mere aggregations of freebooters, organized for plunder and held together by greed.

These crusaders, going out from an atmosphere of liberty, marching under the starry flag of our united country, carry with them the soul and spirit which Jesus of Nazareth brought into a stricken world for its redemption; they go to make good His promise that the gates of hell shall not prevail; they fight that the stone which the angel rolled away at Jerusalem on that Easter morning long ago shall never be put back, and that all the dark places of the earth shall be made bright with the light of His teachings, aflame in the souls of men.

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